

REMARKS

Claims 1-30 are in the application, of which Claims 1 and 23 are the independent claims. Claims 1, 2, 6, 16, 17, 18, 19, 20 and 22 have been amended. Claims 23-30 were previously withdrawn in response to a restriction requirement. Reconsideration and further examination are respectfully requested.

No new matter is believed to have been introduced to the application by this amendment. In the specification, the paragraph at page 9, lines 15-20 has been amended to correct a typographical error, as shown above in the AMENDMENTS TO THE SPECIFICATION, in that the reference number "312" has been replaced with "215" so that the reference number in the specification is consistent with the reference number in Figure 3. The subject matter added to the claims is fully supported by the original disclosure, including, for example, the specification at page 7, lines 21-23, at page 8, lines 17-19, at page 8, lines 24-27, and at page 12, lines 7-10, and Figure 4.

In the Office Action, Claims 1-22 were rejected under 35 U.S.C. §112 as being indefinite. Specifically, the Office Action noted that the phrase "said attaching medium" lacks proper antecedent basis in Claim 1. Applicant has deleted this phrase from Claim 1, as shown above in the AMENDMENTS TO THE CLAIMS. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Claims 1-2, 8, 15 and 21 were rejected under 35 U.S.C. 102(b) by U.S. Patent No. 4,036,524 (Takamatsu); Claims 1-2, 8-10, 13, 16, 18 and 19 were rejected under 35 U.S.C. 102(b) by U.S. Patent No. 5,212,842 (Glydon); Claims 3-4, 6, 7 and 17 were rejected under 35 U.S.C. 103(a) over Glydon in view of U.S. Patent No. 5,572,758 (Merritt); Claim 5 was rejected

under 35 U.S.C. 103(a) over Glydon in view of U.S. Patent No. 6,322,485 (Marrero); Claims 11, 12 and 14 were rejected under 35 U.S.C. 103(a) over Glydon in view of U.S. Patent No. 6,443,794 (Oren); and Claims 20 and 22 were rejected under 35 U.S.C. 103(a) over Glydon. Reconsideration and withdrawal of these rejections are respectfully requested.

The present invention generally concerns multi-sectional novelty device seat cushion. With reference to particular claim language, amended independent Claim 1 is directed to a multi-sectional novelty device seat cushion comprising a plurality of seat cushion sections. The plurality of seat cushion sections includes at least a first seat cushion section and a second seat cushion section. The first seat cushion section includes a non-linear first border. The second seat cushion section includes a non-linear second border. The first border and the second border are joined and tessellate by aligning the first border and the second border without using an attaching mechanism.

The applied references are not understood to disclose or suggest the features of Claim 1, particularly with respect to at least the following features:

- One multi-sectional novelty device seat cushion that includes a plurality of seat cushion sections.
- The first border and the second border that are joined and tessellate by aligning the first border and the second border without using an attaching mechanism.

By way of illustration, Applicant discloses one seat cushion that has multi-sections. These multi-sections can include at least a first seat cushion section and a second seat cushion section. The first border of the first seat cushion section and the second border of the second seat cushion section can be joined and tessellate by simply aligning the first and second borders

together without using an attaching mechanism (e.g., a hook and loop fastener, a fabric tie, a temporary adhesive, a snap or a zipper).

Turning to the applied references, Takamatsu discloses (i) a cover 19 for a back-rest 12 and (ii) a pad 23 for a seat 11. See Takamatsu, Figures 1 and 3. Takamatsu uses a zipper 21 to interlock the cover 19 to the pad 23. See Takamatsu, Figures 1 and 3; Col. 2, lines 21-29. Thus, Takamatsu does not disclose or teach one seat cushion that includes a plurality of seat cushion sections. Furthermore, the cover 19 and the pad 23 are interlocked using a zipper (an attaching mechanism). Takamatsu, thus, does not disclose or teach that the first border of the first seat cushion section and the second border of the second seat cushion section are joined and tessellate by aligning the first border and the second border without using an attaching mechanism. Applicant's seat cushion sections are not interlocked. They can be joined and tessellate simply by aligning the borders of the seat cushion sections without using an attaching mechanism.

Glydon discloses foam pads 12 that are interlocked together. See Glydon, Figure 3; Col. 4, lines 13-18. Glydon's foam pads 12 cannot be joined and tessellate by simply lining them up without interlocking. Glydon, thus, does not disclose or teach that the first border of the first seat cushion section and the second border of the second seat cushion section are joined and tessellate by aligning the first border and the second border without using an attaching mechanism.

Accordingly, the applied references, either alone or in combination, are not understood to disclose, teach, or suggest the features of independent Claim 1, which is believed to be in condition for allowance. Furthermore, the other references cited in the Office Action do not disclose or teach the features of Claim 1.


The other claims currently under consideration in the application are dependent from independent Claim 1 discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Applicant's undersigned attorney may be contacted at the address and telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Soyeon (Karen) Laub
Registration No. 39,266

18191 Von Karman Ave., Suite 500
Irvine, CA 92612-7108
Phone: 949.851.0633 SKL:sdj
Facsimile: 949.851.9348
Date: November 2, 2007

**Please recognize our Customer No. 31824
as our correspondence address.**